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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,180	09/29/2000	David Suda	192400US55X	2909
22850	7590	09/03/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RHEE, JANE J	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/675,180	<b>Applicant(s)</b> SUDA ET AL. 	
	<b>Examiner</b> Jane Rhee	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11,13,14,19,20,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11,13,14,19,20,32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Rejection Withdrawn***

1. The 35 U.S.C. 103 rejection of claim 14 over Bose et al. in view of Bloch et al. has been withdrawn due to applicant's amendment in response 2/5/2004.

#### ***Allowance Withdrawn***

2. The indicated allowability of claims 11,13,19-20,32-33 is withdrawn in view of the newly discovered reference(s) to US 5591521, Arakawa et al. Rejections based on the newly cited reference(s) follow.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 11,13-14,19-20,32-33 have been considered but are moot in view of the new ground(s) of rejection.

#### ***New Rejections***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Arakawa et al. (5591521)

Arakawa et al. discloses a backing sheet comprising a front side having adherent material thereon (figure 1 number 4), a back side (figure 1 number 2), a

Art Unit: 1772

stapling tab extending along the edge of the backing sheet (figure 1 number 1), the stapling tab having a first portion of the back side positioned against a second portion of the back side, and a tacky substance bonding the first portion of the back side to the second portion of the back side (figure 1 number 7), wherein the stapling tab comprises (figure 1 number 1) first fold extending along an edge of the backing sheet, the first fold having a first portion of the front side bonded to a second portion of the front side by adherent material (figure 1 number 3 where a and b connect), and a second fold extending along the edge of the backing sheet contiguous with the first fold, the second fold having the first portion of the backside positioned against the second portion of the back side (figure 1 number 7 where b and c connect). Arakawa et al. discloses that the tacky substance is located on the backing sheet in an area extending inward from an edge of the first fold by predetermined width (figure 1 number 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa et al. in view of Bloch et al. (5780150).

Arakawa et al. teaches the backing sheet described above. Arakawa et al. fail to disclose that the tacky substance is starch solution. Bloch teaches a

Art Unit: 1772

starch adhesive placed between a paper film and a plastic film for the purpose of providing a strong bond between the paper and plastic ply, which resists delamination (col. 3 line 20-23). Thus, one of ordinary skill in the art would have recognized that the starch solution provide a strong bond between two substances as taught by Bloch.

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Arakawa et al. with a starch adhesive in order to provide a strong bond, which resists delamination (col. 3 line 20-23) as taught by Bloch et al.

5. Claims 19-20,32-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa et al. (5591521).

Arakawa et al. discloses a backing sheet comprising a front side having adherent material thereon (figure 1 number 4), a back side (figure 1 number 2), a stapling tab extending along the edge of the backing sheet (figure 1 number 1), the stapling tab having a first portion of the back side positioned against a second portion of the back side, and a tacky substance bonding the first portion of the back side to the second portion of the back side (figure 1 number 7), wherein the stapling tab comprises (figure 1 number 1) first fold extending along an edge of the backing sheet, the first fold having a first portion of the front side bonded to a second portion of the front side by adherent material (figure 1 number 3 where a and b connect), and a second fold extending along the edge of the backing sheet contiguous with the first fold, the second fold having the first

Art Unit: 1772

portion of the backside positioned against the second portion of the back side (figure 1 number 7 where b and c connect).

Arakawa et al. fail to disclose at least one hole that bonds the first portion of the back side to the second portion of the back side wherein the hole extends through the backing sheet such that a portion of the adherent material extends through at least one hole and contacts the back side. However, Arakawa et al. teaches that it is notoriously well known in the art at the time applicant's invention was made to provide a first leg of adhesive tape to stick to a third leg of the adhesives tape with an adhesive by forming a penetrated hole at the central portion of the second leg portion (col. 1 lines 37-39). Therefore, the second leg would have a hole that extends through the second leg such that a portion of the adherent material extends through the hole and contacts the third leg.

Thus, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Arakawa et al. with at least one hole that bonds the first portion of the back side to the second portion of the back side wherein the hole extends through the backing sheet such that a portion of the adherent material extends through at least one hole and contacts the back side in order to adhere the first leg (portion) to a third leg (portion) together as taught by Arakawa et al.'s background disclosure (col. 1 lines 37-39).

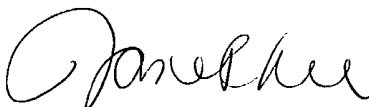
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
August 24, 2004

  
NASSER AHMAD  
PRIMARY EXAMINER 8/30/04